

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE
and

HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No.21274 of 2003

Between:

M. Ramchandra Reddy,
S/o M.Gangi Reddy, aged about 67 years,
Occ: Retired District Judge, R/o Flat No.401,
Sai Jyothi Enclave, 7-1-77/2/A,
Dharamkaram Road, Ameerpet,
Hyderabad.

..... PETITIONER

AND

- 1 Director of Medical Education,
Government of A.P., Hyderabad.
- 2 The Chief Judge, City Small Causes Court,
City Civil Courts Buildings, Hyderabad.
- 3 The Pay and Accounts Officer, Old City Branch, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents particularly Respondents No.2 and 3 in rejecting the Medical reimbursement claim of the Petitioner for Rs.22,238/- in Lr.Dis.No.1881/Accounts/2003, dt. 28-08-2003 on erroneous and flimsy grounds as illegal, unjust, arbitrary, malafide and against G.O.Ms.No.344, Health Medical and Family Welfare (K-1) Department dt. 03-09-01

and consequently direct the respondent to pay the Medical reimbursement claim of Rs.22,238/- to the petitioner.

Counsel for the Petitioner : Sri L.J.VEERA REDDY

Counsel for the Respondent No.1: Govt. Pleader for Home

Counsel for the Respondent No.2: Sri C.V.Nagarjuna Reddy

The Court made the following :

ORAL ORDER: (Per Sri Bilal Nazki, the Acting Chief Justice)

Heard learned counsel for the parties. The petitioner is a retired District Judge. He made a medical claim which was duly forwarded to the third respondent, who returned the claim with the following observations:

“As seen from the claim, medical treatment was obtained from Hospital and the essentiality certificate was also issued by the Officer, Medwin Hospital. Since the treatment was obtained from private recognized Hospital, medical bills may please be scrutinized and counter-signed by the DME as per G.O.Ms.No.175 Health, Medical and F.W. Department dated 29-05-1997.”

Learned counsel for the petitioner submits that G.O.Ms.No.175 dated 29-05-1997 on which the third respondent relied was not applicable to the facts of the case in view of G.O.Ms.No.344 Health, Medical and Family Welfare (K1) Department dated 03-09-2001. Para-2 of G.O.Ms.No.344 lays down as follows:

“Government after careful examination of the proposals of the Registrar General of Andhra Pradesh High Court and Retired District Judge and former Secretary (Law) hereby exempt the medical claims of Honourable Judges and Retired Judges of Andhra Pradesh High Court and District Judges/Retired District Judges in the twin cities, from the purview of Director of Medical Education for scrutiny of bills, subject to condition that the treatment is received from the Medical officer, High Court Dispensary, and the medical bills be scrutinized and counter-signed by the Medical Officer of the High Court Dispensary.”

The endorsement of the third respondent while returning the claim of the petitioner

clearly shows that he was not aware of G.O.Ms.No.344 dated 03-09-2001. G.O.Ms.No.344 also makes it clear that the claim of the petitioner ought not to be sent to the Director of Medical Education for scrutiny and should have been sent to the second respondent. Therefore, let the matter be placed before the second respondent who may decide the claim of the petitioner within a period of four weeks from today.

The writ petition is accordingly allowed.

BILAL NAZKI, ACJ.

G.CHANDRAIAH, J

06-06-2005

bsc

That Rule nisi is made absolute as above

Witness the Hon'ble Acting Chief Justice, Sri Bilal Nazki on Monday, the Sixth day of June, Two thousand and five.

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 Director of Medical Education,
Government of A.P., Hyderabad.
- 2 The Chief Judge, City Small Causes Court,
City Civil Courts Buildings, Hyderabad.
- 3 The Pay and Accounts Officer, Old City Branch, Hyderabad.
- 4 2 CCs to Govt. Pleader for Home, High Court buildings,
Hyderabad (OUT)
- 5 2 CD copies